

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PTP ONECLICK LLC,

Plaintiff(s),

v.

AVALARA INC,

Defendant(s).

Case No. 2:19-cv-00640-JLR

MINUTE ORDER SETTING TRIAL
DATES AND RELATED DATES

JURY TRIAL DATE

OCTOBER 26, 2020

Length of Jury Trial

6 days

Preliminary infringement contentions and
disclosure of asserted claims

August 2, 2019

Deadline for joining additional parties

July 12, 2019

Deadline for amending pleadings

April 29, 2020

Disclosure of preliminary invalidity contentions

August 23, 2019

Reports from expert witnesses regarding

Markman issues due

September 20, 2019

Rebuttal expert reports regarding Markman issues due

October 17, 2019

Preliminary Claim Chart

November 1, 2019

Joint claim chart and Prehearing Statement

November 27, 2019

Opening claim construction briefs due
(24 pages per side)

December 20, 2019

Responsive claim construction briefs due (24 pages per side)	January 3, 2020
<u>Markman</u> hearing at 09:00 AM on	February 7, 2020
Reports from expert witnesses under FRCP 26(a)(2) due	March 27, 2020
Rebuttal expert reports due	April 24, 2020
All motions related to discovery must be filed by (see LCR 7(d))	
Discovery completed by	May 15, 2020
All dispositive motions and motions challenging expert witness testimony must be filed by (see LCR 7(d))	June 23, 2020
Settlement conference per LCR 39.1(c)(2) held no later than	July 24, 2020
All motions in limine must be filed by	
All motions in limine shall be filed as one motion	September 25, 2020
Agreed pretrial order due	October 8, 2020
Pretrial conference to be held at 02:00 PM on	October 13, 2020
Trial briefs , proposed voir dire questions and jury instructions	October 19, 2020

These dates are set at the direction of the Court after reviewing the joint status report and discovery plan submitted by the parties. All other dates are specified in the Local Rules. If any of the dates identified in this order or the Local Rules fall on a weekend or federal holiday, the act or event shall be performed on the next business day. These are firm dates that can be changed only by order of the court, not by agreement of counsel or the parties. The court will alter these dates only upon good cause shown: failure to complete discovery within the time allowed is not recognized as good cause.

If the Markman hearing or trial dates assigned to this matter create an irreconcilable conflict, counsel must notify Ashleigh Drecktrah, Deputy Clerk, at (206) 370-8520 within 10 days of the date of this order and must set forth the exact nature of the conflict. A failure to do so will be deemed a waiver.

The parties shall comply with the procedures outlined in the court's **Standing Order** as to all patent claim construction issues. PLEASE NOTE: The court will not rule on dispositive motions that raise issues of claim

1 construction prior to the hearing, unless special circumstances warrant
2 and leave of court is obtained in advance of filing.

3 As required by Local Rules W.D. Wash LCR 37(a), all discovery matters
4 are to be resolved by agreement if possible. In addition, pursuant to
5 Federal Rule of Civil Procedure 16, the Court "direct[s] that before
6 moving for an order relating to discovery, the movant must request a
7 conference with the court" by notifying Ashleigh Drecktrah at
8 (206) 370–8520. See Fed. Rule Civ.P. 16(b)(3)(B)(v). Counsel are further
9 directed to cooperate in preparing the Joint Claim Chart and final pretrial
10 order in the format required by LCR 16.1, except as ordered below.

11 The original and one copy of any exhibits to be used at the Markman
12 hearing and/or trial are to be delivered to chambers five days before the
13 trial date. Each exhibit shall be clearly marked. Exhibit tags are available
14 at the Clerk's Office. The Court hereby alters the LCR 16.1 procedure for
15 numbering exhibits: Plaintiff's exhibits shall be numbered beginning with
16 1. Defendant's exhibits shall be numbered consecutively beginning with
17 500. Duplicate documents shall not be listed twice; once a party has
18 identified an exhibit in the pretrial order, any party may use it. Each
19 set of exhibits shall be submitted in a three–ring binder with
20 appropriately numbered tabs.

21 Counsel must be prepared to begin trial on the date scheduled, but it
22 should be understood that the trial may have to await the completion of
23 other cases.

24 //

25 //

26 //

//

1 Should this case settle, counsel shall notify Ashleigh Drecktrah, Deputy
2 Clerk, at 206-370-8520, as soon as possible. An attorney who fails to give the
3 Deputy Clerk prompt notice of settlement may be subject to such discipline
4 as the court deems appropriate.

5 A copy of this Minute Order shall be mailed to all counsel of record.
6

7
8 DATED: June 14, 2019

9 s/ Ashleigh Drecktrah

10 Ashleigh Drecktrah, Deputy Clerk to
11 Hon. James L. Robart, Judge
12 (206) 370-8520
13
14
15
16
17
18
19
20
21
22
23
24
25
26